



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 2512-99
23 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 8 July 1994 at age 18. The record shows that you received nonjudicial punishment on 3 October 1996 and were reduced in rate from MM3 (E-4) to MMFN (E-3). The offenses which led to the NJP are unknown. On 17 May 1997 you received another nonjudicial punishment for use of a controlled substance. The punishment included forfeitures of pay and another reduction in rate to MMFA (E-2). The performance evaluation for the period ending 18 September 1997 indicated that you were an MMFA.

The documentation to support discharge processing is not filed in your service record. However, on 18 September 1997 you were issued a general discharge by reason of misconduct. The DD Form 214 issued at that time indicates that your rate was MMFA.

In your application you state that the record is in error because the reduction in rate imposed at the 3 October 1996 was suspended and, therefore, you should have been paid as an MM3 until the next nonjudicial punishment.

There is no documentation in the record, and you have submitted

none, to support your contention. Although the record is incomplete, the available documentation shows that you were reduced in rate to MMFN on 3 October 1996. The Board believed that if your contention that an error was committed was true you would have been able to get it corrected prior to the nonjudicial punishment of 17 May 1997. The Board concluded that a correction to the record to show that you were not reduced in rate is not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director